

12 December 1957

## MEMORANDUM FOR THE RECORD


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SUBJECT: FECA Benefits for WOC Employees

1. At the request of [ ] I called BEC to determine the eligibility of WOC employees for FECA benefits. Mr. Middleton was away for the day therefore I spoke with Mr. Tinsley, his assistant.

2. Tinsley stated that WOC employees were not too uncommon as the VA has such people employed under PL 1500. Tinsley said that it was perfectly in order for the employing Agency to state that the person working without compensation is an employee but in the final analysis the Bureau makes the decision which person or group of persons is entitled to FECA benefits. Tinsley stated that BEC, through Mr. Middleton, would perhaps accept the Agency certification but if the case merited it, further inquiry would be made into the situation.

3. To make the determination as to status, Tinsley indicated that the Bureau would probably ask questions along the following lines:

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- (1) How was the man recruited?;
  - (2) How much supervision and control over him?;
  - (3) Who benefited from the services?;
  - (4) Were any expenses paid?; and,
  - (5) Under what Public Law was he employed?.

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I indicated to Tinsley that this Agency would probably use the same tests to determine the Employer-Employee relationship. Notwithstanding this, he still reiterated that the Bureau would determine who was eligible for the FECA benefits.

4. The problem as posed by [ ] concerned a prospective contract WOC-type employee. In my discussion with Mr. Tinsley I merely stated that the problem concerned a WOC employee as I attached no significance to the contract as presented in this problem.

5. Tinsley also mentioned the fact that in the event of disability of a WOC employee the Bureau may, after due consideration of all the facts of employment, effect payment of compensation. This was noted with some interest.

6. The above facts were related to [ ] over the telephone STAT with the added comment that as long as Mr. Middleton was at the Bureau this Agency's certification of employment would probably be accepted without hesitation. I also stated that if there ever was some security consideration in any of these type cases the Bureau would undoubtedly be placed in a position of accepting our certification.

7. [ ] suggested that I make the above facts a part of our STAT Branch record.

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